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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,031	01/16/2001	Richard E. Rowe	29757/P-265	4234

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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

EXAMINER

SKAARUP, JASON M

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding:

Office Action Summary

Application No.

09/761,031

Applicant(s)

ROWE, RICHARD E.

Examiner

Jason Skaarup

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 15, 2004 has been entered.

Information Disclosure Statement

2. The Examiner considered the information disclosure statement (IDS) submitted on November 15, 2004.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 2, 7, 9, 10, 15, 17, 18, 23, 25, 26, 31, 33, 34, 39 and 50 are rejected under 35 U.S.C. 102(e) as being unpatentable over Schneider et al. (U.S. Patent No. 6,089,976).

This holding, incorporated herein, is maintained from the action dated December 30, 2003 for claims 1, 2, 7, 9, 10, 15, 17, 18, 23, 25, 26, 31, 33, 34 and 39 as amended. Response to the Applicant's remarks are provided below and incorporated herein.

Regarding claim 50, Schneider et al. disclose a method of dispensing bonus awards to a user playing a main gambling game and a bonus round game (col. 6, lines 22-48). The disclosed method comprises:

- executing the main gambling game (primary game in col. 6, line 25);

- determining, after execution of the main gambling game, an outcome of the main gambling game and a currency payout associated with the outcome the main gambling game (Figure 1 along with the related description thereof);

- detecting the occurrence of a triggering event during execution of the main gambling game (col. 6, lines 22-27);

- executing the bonus round game after detecting the triggering event, wherein entry into the bonus round game is independent of the amount wagered (col. 6, lines 22-27, wherein entry into the bonus round does not require a maximum bet and is only enabled upon a qualifying hand or triggering event independent of the wager amount in the primary game);

determining, after execution of the bonus round game, an outcome of the bonus round game and a bonus payout associated with the outcome of the bonus round game (col. 6, lines 27-43);

dispensing the bonus round payout and not the currency payout to the user via a value-dispensing mechanism after determining the bonus payout and prior to returning to the main gambling game if the immediate bonus payout is selected (col. 6, lines 27-43); and

returning to execution of the main gambling game at the conclusion of the bonus round game (col. 6, lines 43-44).

5. Claims 41 and 46 are rejected under 35 U.S.C. 102 (e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schneider.

This holding, incorporated herein, is maintained from the action dated December 30, 2003 for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al.

This holding, incorporated herein, is maintained from the action dated December 30, 2003 for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

8. Claims 3-5, 11-13, 19-21, 27-29, 35-37, 42-44, 51, 52, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view of Walker et al. (U.S. Patent No. 6,110,041).

This holding, incorporated herein, is maintained from the action dated December 30, 2003 for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

9. Claims 6, 14, 22, 30, 38, 45 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view of Burns et al. (U.S. Patent 6,048,269) and Saunders et al. (U.S. Patent 6,340,331).

This holding, incorporated herein, is maintained from the action dated December 30, 2003 for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

10. Claims 8, 16, 24, 32, 40 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view Adams (U.S. Patent 6,113,098).

This holding, incorporated herein, is maintained from the action dated December 30, 2003 for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Response to Arguments

11. Applicant's arguments filed November 15, 2004 have been fully considered but they are not persuasive.

With respect to claims 1-49, Applicant argues that Schneider et al. does not disclose or suggest that the bonus game payout occurs in response to detecting a bonus payout dispensing selection by the user at the electronic gambling unit and to add the bonus payout to the available credits for the player at the gambling unit in response to not detecting the bonus payout dispensing selection. The Examiner respectfully disagrees. Schneider et al. teach that the bonus payout is paid through incrementing a credit meter or through direct payment to a player (col. 5, lines 56-62 and col. 6, lines 41-43). Schneider et al. also disclose that payouts are paid out via a credit release 37 that releases coins to an award dispenser 38 or a corresponding number of credits incremented on credit meter 42 (Figure 6 along with the related description thereof). Thus, Schneider et al. disclose that the bonus game payout occurs in response to detecting a bonus payout dispensing selection by the user at the electronic gambling unit (upon actuation of credit release 37 shown in Figure 6) and to add the bonus payout to the available credits for the player at the gambling unit (incrementing credit meter 42 shown in Figure 6) in response to not detecting the bonus payout dispensing selection (when credit release 37 is not actuated) as recited in claims 1-49.

With respect to claims 50-54, Applicant argues Schneider et al. does not disclose or suggest entry into a bonus game is independent of the amount wagered on the main

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game. The Examiner respectfully disagrees. Schneider et al. disclose a game that executes a bonus round game after detecting a triggering event, wherein entry into the bonus round game is independent of the amount wagered (col. 6, lines 22-27).

Schneider et al. do not require a maximum bet for entry into the bonus round and entry into the bonus round is only enabled upon a qualifying hand or triggering event in the primary game (col. 6, lines 22-27). Figure 7 of Schneider et al. does show one embodiment in which a triggering event and a maximum bet are required for entry into the bonus round, however, at least one other embodiment (col. 6, lines 22-27, abstract and claims 1 and 9) is disclosed wherein entry into the bonus round game is independent of the amount wagered. Applicant has focused on one embodiment of Schneider et al. in which a triggering event and a maximum bet are required for entry into the bonus round while ignoring another embodiment of Schneider et al. (col. 6, lines 22-27, abstract and claims 1 and 9) in which entry into the bonus round game is independent of the amount wagered and based solely on a triggering event.

Conclusion

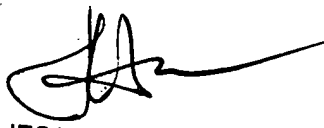
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is listed on the attached Notice of References Cited (PTO-892).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jason Skaarup whose telephone number is 571-272-4455. The Examiner can normally be reached on Monday-Thursday (10:00-8:00).

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, Jessica Harrison can be reached at 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JESSICA HARRISON
PRIMARY EXAMINER